Article - Education

§7–121.

 (a) (1) In this section the following words have the meanings indicated.

  (2) (i) "School–sponsored media" means any material that is:

   1. Prepared, written, published, or broadcast by a student journalist at a public school;

   2. Distributed or generally made available to members of the student body; and

   3. Prepared under the direction of a student media advisor.

   (ii) "School–sponsored media" does not include material that is intended for distribution or transmission solely in the classroom in which the material is produced.

  (3) "Student journalist" means a public school student who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school–sponsored media.

  (4) "Student media advisor" means an individual employed, appointed, or designated by a county board or a public school to supervise or provide instruction relating to school–sponsored media.

 (b) (1) Subject to subsection (d) of this section, a student journalist may exercise freedom of speech and freedom of the press in school–sponsored media.

  (2) Paragraph (1) of this subsection may not be construed to be limited by the fact that the school–sponsored media is:

   (i) Supported financially by the local school system, or by the public school, or by use of facilities owned by the county board; or

   (ii) Produced in conjunction with a class in which the student journalist is enrolled.

(c)   (1)   Subject to subsection (d) of this section, a student journalist is responsible for determining the news, opinion, feature, and advertising content of school–sponsored media.

        (2)   Paragraph (1) of this subsection may not be construed to prevent a student media advisor from teaching professional standards of English and journalism to student journalists.

(d)   This section may not be construed to authorize or protect content of school–sponsored media by a student journalist that:

        (1)   Is libelous or slanderous;

        (2)   Constitutes an unwarranted invasion of privacy;

        (3)   Violates federal or State law; or

        (4)   Incites students to create a clear and present danger of the commission of an unlawful act, the violation of county board policies, or the material and substantial disruption of the orderly operation of the public school.

(e)   A student media advisor may not use the advisor's position to influence a student journalist to promote an official position of a county board or a public school.

(f)   (1)   Except as provided in paragraph (2) of this subsection, a county board may not exercise prior restraint of any school–sponsored media.

        (2)   A county board may exercise prior restraint of school–sponsored media described under subsection (d) of this section.

(g)   The administration of a public school shall have the burden of proving justification without undue delay before an action is taken under subsection (f)(2) of this section.

(h)   (1)   A student journalist may not be disciplined for acting in accordance with subsection (b) or (c) of this section.

        (2)   A student media advisor may not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against for:

                (i)   Acting to protect a student journalist engaged in conduct under subsection (b) or (c) of this section; or

    (ii) Refusing to infringe on conduct that is protected by subsection (b) or (c) of this section, the First Amendment to the United States Constitution, or Article 40 of the Maryland Declaration of Rights.

  (i) (1) Each county board shall adopt a written policy concerning the provisions of this section.

    (2) The policy adopted under paragraph (1) of this subsection:

    (i) Shall include reasonable provisions for the time, place, and manner of expression by a student journalist in school–sponsored media; and

    (ii) Notwithstanding the provisions of subsections (b) and (c) of this section, may include limitations on language that may be defined as profane, vulgar, lewd, or obscene, or language that has the intent to harass, threaten, or intimidate.